

REMARKS

Claims 5-12 were examined in the Office Action mailed October 18, 2005.

The Applicants wish to express their appreciation for the Examiner's indication that claim 10 contains allowable subject matter. For the reasons set forth below, however, the Applicants believe this claim depends from an allowable independent claim, and therefore respectfully decline the invitation to place this claim into independent form at this time.

Independent claims 5, 6 and 12 have been amended to clarify the arrangement of the recited plates. For example, Claim 5 now recites at least two individual cells, at least one conducting end or intermediate plate "extending between opposing faces of the at least two individual cells," and the at least one plate being "at least two substantially identical or mirror-image partial elements arranged essentially perpendicular to the opposing individual cell faces." A conforming amendment cancels claim 11, without prejudice, as substantially duplicative of amended claim 5.

The Amended Claims Are Patentable Over Diethelm. Claims 5-9 and 11-12 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,212,023 to Diethelm ("Diethelm"). The Applicants respectfully traverse the pending rejection on the grounds that this reference fails to disclose all the features of the present invention recited in the amended claims.

The Present Invention: An embodiment of the present invention shown in the Figure illustrates a novel arrangement of separator plate elements between

adjacent fuel cells. The plates are arranged to provide reaction gas flow paths that permit the anode gas to receive maximum heat transfer from the cathode gas with relatively low cost, easy to manufacture, and self-stabilizing partial plate elements which span the gap between the adjacent cells.

The Diethelm Reference: Diethelm Fig. 5 is cited as disclosing the present invention. October 18, 2005 Office Action at 2-3. Diethelm discloses a simple arrangement of parallel flat plates 31a, 31c which route reaction gases across the faces of individual fuel cells. The flat plates 31a, 31c are themselves parallel to the electrochemically active fuel cell elements 11.

Diethelm contains no disclosure or suggestion of the present amended claims' gas flow directing plate arrangements with "at least one conducting end or intermediate plate *extending between opposing faces* of the at least two individual cells," the at least one plate being "composed of at least two substantially identical or mirror-image partial elements arranged essentially perpendicular to the opposing individual cell faces." Pending Claim 5; Diethelm Fig. 5 (no perpendicular structures extending between opposing individual cells; baffle 47a extending only between adjacent parallel plates 31a, 31c, and at a location peripheral to the fuel cells 11 where they are incapable of being a recited "end or intermediate plate" which "comprises air conducting channels or guiding areas *configured in such a way that the gaseous reactant flows directly along the anode side and is subsequently supplied to a cathode inlet region*") (pending claims 6, 12 similar).

Because the Diethelm reference fails to disclose all of the features of independent claims 5, 6 and 12, the pending claims are patentable over this reference under § 102(b). Reconsideration and withdrawal of the § 102(b) rejection of these claims is respectfully requested.

CONCLUSION

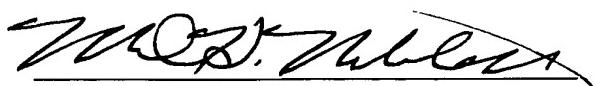
The Applicants respectfully submit that claims 5-10 and 12 are in condition for allowance. Early and favorable consideration, and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.52615US).

Respectfully submitted,

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